



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*

**Mark R. Herring**  
Attorney General

September 8, 2020

202 North 9th Street  
Richmond, Virginia 23219  
(804) 786-2071  
Fax (804) 786-1991

**VIA ELECTRONIC MAIL**

The Honorable David J. Novak  
United States District Judge  
United States District Court for the Eastern District of Virginia  
Richmond Division  
701 East Broad Street  
Richmond, VA 23219

**Re: Whorley et al. v. Northam et al., Civil Action No. 3:20-cv-255**

Dear Judge Novak:

I am submitting this letter to notify the Court of discussions between the parties, relative to a request by the Virginia Department of Corrections (VDOC) to resume intake of VDOC-responsible inmates from jail facilities. Because of some ambiguity as to whether the intake of VDOC-responsible inmates implicated certain provisions of the parties' Settlement Agreement (specifically, the provision restricting "facility to facility" transfer of inmates), the parties have conferred on this issue and reached the following resolution:

1. VDOC may resume intake of offenders from local jail facilities.
2. All inmates being brought into VDOC from local jail facilities shall be transferred to Nottoway Receiving Center for reception and quarantine.
3. No inmate shall be brought into VDOC who has displayed COVID-related symptoms or had a positive COVID-19 test within the preceding 14 days.
4. Offenders being transported to Nottoway Receiving Center from a local jail facility shall be masked at all times, along with the transporting officers. Transportation vans shall have staggered arrival times to prevent inmates from different facilities from intermingling in the reception area.

5. Following reception, all local jail intakes shall be placed in quarantine for a period of at least 14 days. Inmates shall be housed in single cells, under quarantine conditions, and monitored for potential COVID-19 symptoms during that time period.
6. All local jail intakes shall receive a COVID-19 test from VDOC, regardless of whether they were previously tested at the local jail facility, and no inmate will be transferred from Nottoway to another facility until they have received a negative test result.
7. VDOC agrees not to transfer inmates from jail facilities into VDOC custody if they have local motions pending, including motions for release on Home Electronic Monitoring (HEM) or for reconsideration of their criminal sentence.
8. VDOC agrees not to transfer inmates from jail facilities into VDOC custody who have less than a year remaining on their sentence (following application of any applicable good-time or sentence-reducing credits), as those inmates would be potentially eligible for direct release under VDOC's *Inmate Early Release Plan* (IERP).

If the Court has any questions or concerns about the foregoing, please do not hesitate to let us know, and we will make ourselves available for a teleconference at the Court's convenience.

Sincerely,



---

Margaret Hoehl O'Shea  
Assistant Attorney General  
Counsel for Defendants

cc: Eden Heilman, Nicole Tortoriello, and Vishal Agraharkar, ACLU of Virginia, 710 E. Franklin Street, Suite 1412, Richmond, VA, 23219

Elliott Harding, Harding Counsel, PLLC, 608 Elizabeth Avenue, Charlottesville, VA 22909